IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Crl.Rev.Pet.No. 219 of 1999()

CRA.325/1994 of I ADDL. SESSIONS COURT, TRIVANDRUM
CC.257/1990 of JUDL.MAGISTRATE OF FIRST CLASS COURT-V, TRIVANDRUM

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REVN. PETITIONER:

KRISHNANKUTTY,
S/O.MADASWAMY CHETTIYAR,
T.C. NO.15/188,
NEAR THARANGINI,
SASTHAMANGALAM WARD,
THIRUVANANTHAPURAM

BY ADV. SRI.SUMAN CHAKRAVARTHY
ADV.KUNNATHUKAL V.SUKUMARAN NAIR,
ADV.L.T.LEJU KUMAR

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.814/1999 IN CRL.R.P.NO.219/1999-A

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

19/09/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.219/1999-A

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Dated this the 19th day of September, 2007

O R D E R

The revision petitioner is the accused in C.C.No.257/1990, who stands convicted for the offences under Sections 279, 337, 338 and 304A I.P.C and sentenced to undergo simple imprisonment for two months for the offence under Section 279 I.P.C, to undergo simple imprisonment for three months each for the offence under Sections 337 and 338 I.P.C, to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for three months for the offence under Section 304A I.P.C.

2. The prosecution case is that on 22/09/1988 the accused drove mini bus No.KCT 5713 through the Peroorkada-Vattiyoorkavu road from west to east in a rash and negligent manner so as to endanger human life and hit on an autorickshaw coming from the opposite direction and one of the passengers in the autorickshaw sustained grievous injuries and subsequently he died.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that the accused had a brainstem stroke and is partially paralysed. He has produced the treatment records in this regard which includes the C.T. Scan report, the prescriptions etc. It is also seen that he sustained fracture of the left knee also.

In the circumstances considering the fact that the incident is of the year 1988 and about 19 years have lapsed since the commencement of the proceedings, I find that the sentence is liable to be modified. Hence, the sentence for the offence under Section 304A I.P.C is modified to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for three months. No separate sentence is awarded for the rest of the offences.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.219/1999-A

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O R D E R

19th September, 2007